



News

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FOR IMMEDIATE RELEASE

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BLM issues Recordable Disclaimer of Interest for Kasilof River

Anchorage – Bureau of Land Management (BLM) Alaska State Director Henri Bisson signed a disclaimer of interest, August 15, 2005 stating the federal government has no valid interest to approximately thirteen (13) miles of riverbed underlying the navigable waters of Kasilof River. On June 21, 2005, Mr. Bisson signed the decision to issue the disclaimer of interest acknowledging the federal government does not have an in the submerged lands. The decision was not appealed.

At the time of statehood, title to unreserved lands underlying navigable waters vested with the State under the Equal Footing Doctrine and the Submerged Lands Act of 1953. The State of Alaska asserted that the Kasilof River was navigable and as such, the ownership of the submerged lands automatically passed to the State on January 3, 1959, or where the State is an upland owner, received title to the submerged lands regardless of its navigability. Those lands underlying the Kasilof River, which were within the Kenai National Moose Range, originally withdrawn on December 18, 1941 and remained withdrawn on January 3, 1959, the date of statehood, were not available to the State under the Equal Footing Doctrine. However, if the land that was withdrawn was conveyed to the State by the United States, then title to the submerged land transfers to the State pursuant to the Submerged Lands Act of 1988. BLM analyzed the evidence submitted by the State and prepared a summary report on the relevant facts for public review. The final report affirmed previous BLM navigability determinations.

In 1976, Congress gave the Interior Department discretionary authority under Section 315 of the Federal Land Policy and Management Act to issue recordable disclaimers of interest. Disclaimers of interest may be used to remove a cloud, or a perceived cloud, on a title when a determination has been made that such lands are not lands of the United States and the United States does not hold a valid interest in those lands. A recordable disclaimer of interest is a document that affirms the United States does not claim an interest in specific lands – it is prepared in such a way that will meet local requirements so that it may be “recorded” – hence the “recordable disclaimer of interest.”

For more information, please contact Carolyn Spoon, Chief, Branch of Lands & Realty.

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